

DELBELLO DONNELLAN WEINGARTEN  
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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

THE FRESH ICE CREAM COMPANY, LLC  
d/b/a Craft Collective  
d/b/a Steve's Ice Cream,

Chapter 11  
Case No. 17-40716-ess

Debtor.

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**CERTIFICATION OF BALLOTS**

The above captioned Debtor having filed a First Amended Chapter 11 Liquidating Plan dated October 17, 2017 (the "Plan"); and ballots on said Plan having been solicited pursuant to Order dated October 19, 2017 by DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, attorneys for the Debtor, and Classes 1, 2 and 4 being unimpaired and Class 3 being the only impaired Class of claimholders, it is hereby certified that the ballots have been filed with DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, counsel to the Debtor, as follows:

**Class 1 – Allowed Non-Tax Priority Claims  
Unimpaired & Presumed to Accept the Plan**

**VOTES NOT SOLICITED**

**Class 2 – Allowed Secured Claims  
Unimpaired & Deemed to Accept the Plan  
VOTES NOT SOLICITED**

**Class 3- Allowed General Unsecured Claims  
Impaired and Entitled to Vote on the Plan**

	<b>Creditor</b>	<b>Amount</b>	<b>Accept/Reject</b>
1	Anthony Cardone	\$169,575.00 <sup>1</sup>	Accepts
2	Blake Sutcliffe	\$50,000.00 <sup>2</sup>	Accepts
3	Brand Equity Partners, LLC	\$1,090,306.12	Accepts
4	Celilo Group Media	\$1,750.00	Accepts
5	Debora A. Russell	\$25,000.00	Accepts
6	Dan Ozizmir	\$806,122.43 <sup>3</sup>	Accepts
7	David J. Lebous	\$25,000.00	Accepts
8	Edmund Bingham	\$113,900.00	Accepts
9	F. E. Jones Construction, Inc.	\$25,000.00	Accepts
10	Farrel Fritz, P.C.	\$19,087.36	Accepts
11	GTI Designs, Inc.	\$110,742.07 <sup>4</sup>	Accepts
12	Howard Berman	\$2,193.51	Accepts
13	Hudsonville Creamery & Ice Cream Co., LLC	\$476,785.00	Accepts
14	Hutt Trucking Company	\$8,407.96	Accepts
15	Island Container Corp.	\$4,999.89	Accepts
16	James Koniuto	\$10,000.00 <sup>5</sup>	Accepts
17	Kevin M. Sisson	\$150,000.00	Accepts
18	Kildare Asset Management, LLC	\$205,876.00	Accepts
19	Martin and Mary Smith	\$66,326.41 <sup>6</sup>	Accepts
20	Michael and Latrice Colsten	\$10,204.08	Accepts
21	Michael Peters	\$102,040.81	Accepts
22	Michael Venuti	\$35,000.00	Accepts
23	MTLR, Corp. dba Mendon Truck Leasing & Rental	\$19,101.47	Accepts
24	National Marketshare Group, Inc. <sup>7</sup>	\$8,241.09	Accepts

<sup>1</sup> Ballot references claim in the \$180,000. Proof of claim filed in the amount of \$169,575.

<sup>2</sup> Ballot references claim in the amount of \$215,000. Proof of claim filed in the amount of \$50,000.

<sup>3</sup> Ballot references claim in the amount of \$1,889,576. No proof of claim was filed but claim was scheduled by the Debtor in the amount of \$806,122.43.

<sup>4</sup> Ballot references claim in the amount of \$159,909.42. Proof of claim filed in the amount of \$110,742.07.

<sup>5</sup> Ballot references claim in the amount of \$20,000. Proof of claim filed in the amount of \$10,000.

<sup>6</sup> Ballot references claim in the amount of \$50,000. Proof of claim filed in the amount of \$66,326.41.

<sup>7</sup> Creditor filed its proof of claim and asserted priority status. The Debtor will file an objection to this classification prior to Confirmation. However, ballot was submitted by creditor as a holder of a Class 3 Claim and as such, it is included in this Certification.

25	Paul Tierney	\$30,000.00	Accepts
26	Schoep's Ice Cream Co., Inc.	\$1,017,597.20	Accepts
27	SRSJ Group, Inc.	\$240,000.00 <sup>8</sup>	Accepts
1	ACP BK I LLC	\$100,981.91	Rejects
<b>Total Amount</b>		<b>\$4,924,238.31</b>	<b>28</b>
<b>Accepting</b>		<b>\$4,823,256.40</b>	<b>27</b>
<b>Rejecting</b>		<b>\$100,981.91</b>	<b>1</b>

**Class 3 – Interests**  
**Unimpaired and Deemed to Accept**

**VOTES NOT SOLICITED**

It appears therefore that:

a. Class 1, 2 and 4 creditors have neither accepted nor rejected the Plan, are unimpaired and are deemed to have accepted the Plan pursuant to 11 U.S.C. Section 1126(f); and

b. Class 2 creditors holding at least 2/3 in amount of nondisputed, voted claims, and 1/2 in number of nondisputed, voted claims or interests, as applicable, have voted to accept the Plan;

Dated: White Plains, New York  
December 6, 2017

**DELBELLO DONNELLAN WEINGARTEN**  
**WISE & WIEDERKEHR, LLP**

*Attorneys for the Debtor*

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By: /s/ Jonathan S. Pasternak, Esq.  
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<sup>8</sup> Ballot references claim in the amount of \$376,152.00. No proof of claim was filed by claim was scheduled by the Debtor in the amount of \$240,000.